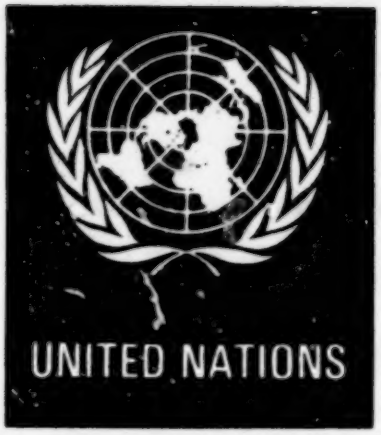

DIVISION FOR
PALESTINIAN RIGHTS

UNITED NATIONS
INTERNATIONAL CONFERENCE OF CIVIL SOCIETY
IN SUPPORT OF THE PALESTINIAN PEOPLE

United Nations Headquarters, New York
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Introduction

1. The United Nations International Conference of Civil Society in Support of the Palestinian People was held at United Nations Headquarters in New York, on 13 and 14 September 2004, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People in accordance with the provisions of General Assembly resolutions 58/18 and 58/19 of 3 December 2003.

2. The Committee was represented at the Conference by a delegation comprising Paul Badji (Senegal), Chairman of the Committee; Orlando Requeijo Gual (Cuba), Vice-Chairman of the Committee; Ravan A.G. Farhâdi (Afghanistan), Vice-Chairman of the Committee; Victor Camilleri (Malta), Rapporteur of the Committee; and Nasser Al-Kidwa (Palestine).

3. The theme of the Conference was "Ending the Occupation – A key prerequisite for achieving peace in the Middle East". Twelve representatives of civil society organizations were invited to serve as members of the Steering Committee of the Conference, and 11 attended (see annex III). The members chaired the different sessions of the Conference, conferred with the other participants, and drafted the final document of the Conference in consultation with the Bureau of the United Nations Committee.

4. Presentations were made by 22 panelists, including Palestinians and Israelis, and 185 representatives of 86 civil society organizations participated in the Conference. Representatives of 32 Governments, Palestine, two intergovernmental organizations and nine United Nations programmes attended the Conference as observers.

5. Participants adopted an NGO Plan of Action at the close of the morning session of the second day of the Conference (annex I).

6. Five workshops met and issued reports (annex II). They were entitled: How to work with the media; Interreligious mobilization; Working with the Advisory Opinion of the International Court of Justice; International protection: What does it mean? Strategies to get there; and, The question of Palestine within the global peace movement.

II. Opening statements

7. **Kofi Annan**, Secretary-General of the United Nations, in a statement read out on his behalf by Kieran Prendergast, Under-Secretary-General for Political Affairs, stated that the world community had long recognized that peace between the two peoples was crucial for political and economic stability in the Middle East. The scope of the humanitarian crisis in the Occupied Palestinian Territory was deeply troubling; the number of Palestinians killed and wounded continued to escalate. The widespread destruction of Palestinian homes in the Gaza Strip, and the number of Palestinians rendered homeless as a result was extremely disturbing. Those measures, as well as closures, curfews and other severe restrictions of movement, had had a particularly devastating effect on the Palestinian population.

8. He stated that at the same time, some Palestinian groups continued to carry out suicide bombings and other attacks killing Israeli civilians, which fuelled hatred and fear and served

only to interfere with the national aspirations of the Palestinian people. Such terrorism should be strongly and consistently condemned; no cause could justify it.

9. He emphasized that the path to a solution was spelled out in the Quartets Road Map that envisioned two States, Israel and Palestine, living side by side in peace and security. A final settlement that ended the occupation of 1967 should be arrived at through negotiations between the two parties, on the basis of Security Council resolutions 242, 338, 1397 and 1515 and the principle of land for peace. He noted that both parties had agreed to undertake a series of parallel and reciprocal steps; efforts, however, to implement those commitments had so far been disappointing. He called upon both parties to abide by their obligations under the plan. He urged the Government of Israel to dismantle outposts established since March 2001, immediately freeze all settlement activity and the construction of the barrier in the Occupied Palestinian Territory. He also urged the Palestinian Authority to take the long-awaited steps aimed at restructuring and consolidating Palestinian security services in order to confront groups that engage in terror, and to move forward along the road of reform.

10. He vowed that the international community, including civil society, would not turn away from its obligation to do all it could to alleviate the plight of the Palestinian people, and to help cultivate a climate conducive to political negotiations and reconciliation between the two peoples. He acknowledged that over the years, non-governmental organizations worldwide, through grassroots initiatives and campaigns, had shown the unique dimensions they brought to the task of peaceful transition in conflict-affected parts of the world. He cited the Geneva and the Nusseibeh-Ayalon initiatives as remarkable examples of civil society undertakings offering fresh ideas for give-and-take that could be considered by official negotiators. And, such initiatives re-energize those discouraged and weary by proving that there were Israelis and Palestinians who were ready to make compromises, and who believed that the peace and security of generations to come were well worth the price of compromise. He was looking forward to continued partnership with civil society in working for the attainment of a comprehensive, just and lasting peace for Palestinians and Israelis, and for the entire region of the Middle East.

11. **Paul Badji**, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, said that a final and sustainable solution to the conflict required a complete end of the occupation, the creation of an independent, sovereign and viable Palestinian State, and the achievement by the Palestinian people of its inalienable rights, including the right of Palestine refugees to return. The realities on the ground, however, pointed to the opposite. Contrary to its declaration of "disengagement", Israel continued to tighten its grip on the Gaza Strip and the West Bank, including Jerusalem. Severe restrictions on day-to-day activities of the Palestinians hampered their ability to make a living and take care of their families.

12. He condemned the Israeli practice of extrajudicial killings that had claimed many lives. He also condemned suicide bombings against Israelis. There was no justification for these deadly acts irrespective of their intent or origin. All these actions harmed efforts at reconciliation and pushed the goal of peaceful coexistence even further away.

13. A recent World Bank study found that the deep economic crisis in the West Bank and Gaza was one of the worst recessions in modern history. It was contributing to the

impoverishment of an entire generation of young Palestinians, and increasing the popular appeal of militant factions. Without a significant change in the closure regime, the Palestinian economy would not be revived. It was imperative to remove the internal obstacles to movements in the West Bank, to open Palestinian external borders to commodity trade and to return to a reasonable flow of Palestinian labor in Israel.

14. It was a matter of utmost concern to the Committee that, despite declarations by the Israeli Government, the expansion of settlements continued. Settlement activity was reported to have continued at a considerable pace, in particular in the large settlements blocs such as "Gush Etzion" and "Maale Adumin", as well as in and around Jerusalem. What was required as a first step was an unconditional and complete freeze on settlement activity and the removal of outposts established since March 2001, as called for in the Road Map. The colonization of Palestinian land had reached its climax with the construction of the wall in the occupied West Bank. Like the expansion of the settlements, the wall created new facts on the ground by changing the physical character of the land and the demographic composition in the territory. That was accompanied by confiscation of Palestinian land, water and other natural resources. Once completed, it would render a two-State solution of the Israeli-Palestinian conflict physically impossible.

15. The General Assembly welcomed the Advisory Opinion of the International Court of Justice. The Court had brought international law back to the forefront of the dialogue concerning the Israeli-Palestinian conflict. The ruling provided solid arguments, emphasizing not only the responsibilities of Israel, but also the legal obligations of all States to restore international justice. The ruling of the International Court of Justice should encourage the members of the Quartet to expedite the formulation of the action plans towards the implementation of the Road Map, which remained the only initiative for the achievement of a peaceful settlement of the conflict and for realizing the vision of two States, Israel and Palestine, living side by side in peace and security.

16. **Nasser Al-Kidwa**, Permanent Observer of Palestine to the United Nations, reiterated the strong belief in the permanent responsibility of the United Nations towards the question of Palestine until it is effectively resolved in all its aspects. The United Nations had been and continued to be of central importance for the Palestinian people and their national struggle. He stressed that upholding international law and actions undertaken by the United Nations continued to be the correct alternative to extremism and violence in the region.

17. The central task at this critical juncture was to follow-up the Advisory Opinion of the International Court of Justice on the legal consequences of the construction of the wall by Israel, rendered by the Court on 9 July 2004. The Advisory Opinion was a watershed development and perhaps the most significant action of the United Nations system since the adoption by the General Assembly of the partition resolution, resolution 181 (II), in 1947. Yet, Israel had responded to the ruling with contempt and defiance and had continued to build the wall and to carry out all associated illegal measures against the Palestinian civilian population. The international community, however, had taken a clear and firm position in this regard. The adoption of General Assembly resolution ES10/15, on 20 July 2004, by an overwhelming 150 votes in favor certainly added to the importance of the Court ruling and constituted the right first response to the Advisory Opinion.

18. Mr. Al-Kidwa said that the duty of the United Nations regarding the Advisory Opinion should not be a one-shot event; serious follow-up was imperative. Measures had to be taken to ensure that obligations of Israel, the occupying Power, Member States and the United Nations, including the General Assembly and the Security Council, as identified by the Court, would be fulfilled, and that the illegal situation resulting from the construction of the wall would be effectively brought to an end, including cessation of its construction, as well as its dismantlement and reparations. The United Nations and the Secretariat also had an important responsibility regarding the establishment of the register of damages, as requested by the General Assembly in its resolution ES10/15.

19. What was needed at this stage was an intensification of the will of the international community and a display of resolve by taking bold steps forward to genuinely make a difference. Working towards a peaceful settlement of the question of Palestine and comprehensive peace in the Middle East was the right and the duty of all Member States and civil society, and the duty of the international community collectively.

20. **Phyllis Bennis**, Co-Chair of the International Coordinating Network for Palestine, said that with the situation on the ground worse than ever, the responsibility of the international community to resolve the crisis had never been greater. The crisis was grounded in massive violations of international law. The road map to the solution existed in the resolutions of the United Nations and the Geneva Conventions and in implementing international law.

21. She said that there existed a scenario of continuing settlement construction, checkpoints and the normalization of assassinations. The construction of the wall continued separating peoples, similar to apartheid. The ICJ had provided a tool, but its ruling could only be implemented when civil society demanded it and mobilized for it. Civil society had to broaden its ranks and pressure Governments. The Governments had to accept the need for the United Nations to play the leading role in ending the conflict. That role did not belong to only one Member State, but had to be claimed by the United Nations as a whole. Civil society had a special role to play, and it had to support the United Nations in regaining its central role with regard to the question of Palestine. The United Nations was most relevant when it opposed war. All inalienable rights of the Palestinian people had to be realized, and the right of return could not be sacrificed to achieve the right to independence.

III. Plenary sessions

Plenary I
The current situation: Facts on the ground

22. The panelists in this plenary session focused their presentations on the themes of the human cost of violence, consolidating the occupation: settlements and the separation wall; and the economic and humanitarian crisis. Five speakers made presentations followed by a discussion.

23. **Gabi Baramki**, President, Palestinian Council for Justice and Peace, said that under the pretext of security reasons, the occupation was being expanded gradually through the annexation of more land, in violation of international law and the Geneva Conventions. The decision of the International Court of Justice should be seen as a landmark decision which Israel determined that Israel as a State was acting above the law.

24. Mr. Baramki described some examples of the everyday living conditions of Palestinians: the situation of prisoners; the continued building and expansion of settlements; the demolition of homes and property; the uprooting of all kinds of trees, which constituted the main livelihood of people; the targeted assassinations; the continued incursions by the Israeli Army into Palestinian territory; closures for extended periods; and the continued building of the wall.

25. He emphasized that the situation of Jerusalem and the settlements around it was especially worrying. It extended to Bethlehem and beyond in the south, to Ramallah in the north, and half way to Jericho in the east, in disregard of United Nations resolutions that still considered the annexation of East Jerusalem null and void.

26. Mr. Baramki described the process of suffocation brought about by checkpoint restrictions. Palestinian applications for permits to cross of checkpoints on the Jerusalem-Ramallah road became with time an "achievement"; long-term permits really were useless because they could be cancelled on the spot by military order. Palestinians who needed to travel abroad often faced insurmountable obstacles. Palestinians who needed to cross to a third country in order to travel had to pass several checkpoints to reach the border crossing, without the guarantee that they would be able to cross the Israeli side. The danger of such acts were that they appeared benign and were but slight modifications of a normal code of movement, with only incremental steps, which passed more or less unnoticed. Israel was getting away with such acts. He hoped that the issue could be pursued legally, in the same manner the matter of the wall had been pursued. Israel should be obliged to allow people wishing to travel abroad to use the Gaza airport once again.

27. **Rachel Greenspahn,** Director of Development and International Advocacy, B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, said that, despite the fact that last year little had changed in the West Bank and the Gaza Strip, a number of substantive positive changes had taken place. The first major development was the disengagement plan. Although the plan was highly problematic, it had tremendous political significance. Were Mr. Sharon's Government to remove even a few settlements, it

would constitute an earthquake in the Israeli political map. The fact that the vast majority of the Israeli public supported the idea represented a real shift in public opinion.

28. She said the second development related to the separation barrier. Despite the continuation of work on the barrier, with all its consequences, there had been some positive developments. A number of "corrections" to the route had been introduced to diminish the disastrous impact of the barrier in locations within the West Bank. Several weeks ago, a tunnel had been opened, connecting Habla to Qalqilia, giving residents access to the city and to land they own. The ICJ had ruled that building the barrier within the West Bank violated international law. The Israeli High Court of Justice had voided 30 kilometers of the route along the barrier. Those developments should not be overstated, yet they demonstrated that there was a genuine public debate within Israeli society on difficult and controversial issues previously considered taboo. However, Israelis continued to accept the notion that security justified everything, and Palestinians believed that all means were legitimate in the struggle to end the occupation. The role of international civil society was to ruffle those notions. Innovative ways must be found to draw attention to the "same old boring" human rights violations and challenge the view that the protection of basic rights was incompatible with today's reality.

29. The relations between human rights advocates and Israeli society need not and should not be adversarial. International civil society could play a crucial role in strengthening the positive forces within both of those societies. She said that Israelis and Palestinians and international organizations together must continue to strive for the uniform enjoyment of human rights for all residents of the region.

30. **Jad Isaac**, Director General of the Applied Research Institute in Jerusalem, made a PowerPoint presentation on the strategy of 'Israelization' in the Palestinian areas since the adoption of the 1947 United Nations partition plan, when there were parameters to a proposed Arab State and a proposed Israeli State. His presentation highlighted the changes on the ground between 1947 and 2004 with a current count of barriers that included manned military checkpoints, ditches/trenches, concrete blocks and earth mounds preventing vehicular access. Particular emphasis was put on the construction of the separation wall and its impact on the Palestinian population.

31. **Adah Kay**, Professor at City University, London, co-author of "Stolen Youth: the Politics of Israel's Detention of Palestinian Children", spoke about how the occupation impacted on the lives and future of Palestinian children who make up 53% of the Palestinian population. The occupation, the system of control used to govern the Occupied Palestinian Territory, was complex and far more pervasive than was the use of military force. It included a range of legal, political and economic structures to support that system of control. The legal structure in essence was one of institutionalized discrimination. The system of military control allowed Israel to ignore overriding principles of children's rights contained in article 3 of the United Nations Convention on the Rights of the Child (CRC).

32. Ms. Kay said that between the onset of the current intifadah in September 2000 and the end of June 2004, the conflict had claimed the lives of more than 700 children, the vast majority of them Palestinians (595); of those, 51 were Israeli extrajudicial killings. During the same period more than 10,000 Palestinian children had been wounded. Also during that

period, over 2,500 Palestinian homes or buildings had been destroyed, affecting more than 6,000 children. Between 30 September 2000 and 30 June 2004, various branches of the Israeli Armed Forces had arrested 2,650 children, detaining them often for extensive periods in Israeli prisons and detentions centers in the Occupied Palestinian Territory. As of 10 July 2004, 324 Palestinian children were being held in prisons and detention centers, including 10 girls. Children could be detained without charge or trial, with no legal rights to legal representation. The United Nations Convention on the Rights of the Child to which Israel was a State party and Israeli law both defined a child as someone under 18 years of age. In contravention of those standards, the military order system treated children of 16 and 17 years of age as adults.

33. Restrictions on movement imposed by Israel affected school children and university students as well as their school attendance. According to Palestinian Ministry of Education statistics, between October 2000 and February 2003, 132 students were killed and 2,500 were injured on their way to and from school. The wall had compounded problems of access to schools and universities. So far in 2004, three children had been shot inside UNRWA schools.

34. Ms. Kay described the deterioration of Palestinian children's health. The 30% drop in real per capita food consumption during the past three years, with over 50% completely dependent on food aid, had led to a rapid increase since 2000 in malnutrition levels. In Gaza, the severe malnutrition rate now equalled that of poor sub-Saharan countries. Between September 2000 and October 2002, mobility restrictions at checkpoints had directly led to the death of 24 women and 27 newborn babies. A further 46 women had to deliver their babies at checkpoints. During the recent siege of Rafah more than 45 babies had been born in houses very far from basic obstetric and newborn care services. The lack of access to safe water and water shortages had also increased health risks. Villages were totally dependent on water transported by municipal or private tankers, and costs had risen by 80% since September 2000 because of increasing transport costs.

35. In concluding, Ms. Kay said that one of the most serious impacts of the occupation, which had affected three generations of Palestinian families, was that on the mental health of children. Because of the ongoing violence, movement restrictions and general lack of hope, the current generation of children not only suffered the erosion of their psychological well - being but also had diminished self-confidence, support and coping mechanisms. The cumulative impact of such violations was cause for great concern because it affected the very future of Palestinian society – its children.

36. **Praful Bidwai,** a journalist from New Delhi, said that India had moved from being a strong early supporter of the Palestinian nation in the fifties to a State that was now actively collaborating with Israel. It had bought up to $3 billion worth of armaments from Israel, with the approval of the United States. As recently as September 2003, Ariel Sharon had been invited to New Delhi and given the red-carpet treatment. It was not just an isolated instance of Israel's success in gaining support. In the clash between Islam and the Judeo-Christian civilization, the latter was gaining increasing support. Many believed that Israel was a fundamentally important strategic ally, particularly in the fight against terrorism.

37. He said that on his visits to Israel and the Palestinian territory he had been struck by similarities with apartheid in South Africa. Laws of the most obnoxious variety had prevented people's movement and activities. Closures, annexation and blockades had been put in place. Israel's conduct in the daytime was macho and rude, but Israel at night was like a refugee camp. Such a state of affairs had to be ended. Now, the international community needed to put the same pressure on Israel as it had placed on South Africa in the past. That should involve isolation and international boycotts. It was important to develop strong civil society awareness in that respect, for it was impossible to achieve results through Government action alone. The Palestinian people needed international solidarity.

Plenary II

Occupation and international law

38. The panelists in this plenary session focused their presentations on violations of the inalienable rights of the Palestinian people; violations of international humanitarian law and human rights law; the Advisory Opinion of the International Court of Justice; legislative and political advocacy – the obligations of Governments under international law.

39. **Susan Akram**, Clinical Associate Professor at Boston University School of Law, focused on strategies for civil society to hold Israel accountable for its wrongs, proceeding from the premise that only through the application of international law could a solution to the conflict be found; military power could not provide a solution.

40. Turning to direct claims regarding the right of return of refugees and restitution of property, she said diplomatic efforts had not been successful. However, direct claims could be made through international bodies such as the United Nations. The European Court of Human Rights was relatively unused for Palestinian issues, but could provide opportunities.

41. She said that the right of return of Palestinian refugees had fallen into a "protection gap". There was no international body mandated to assist refugees on their return. However, much work had been done in the last four years to educate relevant bodies in order to address the protection gap. Israeli courts had excluded the vast majority of Palestinians, affirming the right of return as exclusive religious law. Direct claims for restitution of property could only be obtained through access to the State having jurisdiction over the property itself. Such mechanisms were not really available to Palestinians. Regional courts might also be able to pronounce on such claims, but Israel was not a member of any regional human rights regime.

42. In European Courts, a Palestinian could claim restitutions based on similar rulings regarding Jewish property seized in the Second World War, she said. Restitution claims might also be possible through mechanisms established by the United Nations. The ICJ Advisory Opinion provided a strong argument that the Palestine Liberation Organization (PLO) might be authorized to file claims before the ICJ on behalf of Palestinians. There was also a body of General Assembly resolutions affirming Palestinian rights to compensation. They were not clear on restitution, however. Regarding indirect claims, she pointed to United States tort legislation, including the Aliens Tort Claims Act (ATCA) and the Torture Victims Protection Act (TVPA). Another option was to use the liability cases of manufacturers.

43. She indicated that many of the conclusions of the ICJ opinion had resulted from the work of many non-governmental organizations. The opinion had settled a number of contentious issues, reaffirming the applicability of international human rights and humanitarian law to the Palestinian question. Civil society members should now step up efforts to pressure their Governments for boycotts and other actions. She concluded that international law provided a framework for a just and durable solution. Civil society must insist on the application of international law for a solution to the Palestinian conflict.

44. **Jeff Handmaker,** a researcher at the Netherlands Institute of Human Rights, University of Utrecht, spoke about universal jurisdiction through which individuals such as soldiers and politicians could be held responsible for human rights violations. The International Criminal Court came into force in 2002. Israel ultimately decided not to sign the Convention, even though it had participated in the preparatory process. However, Israel had provided useful precedents in international jurisdiction. It had prosecuted Adolf Eichmann through a law enabling Israeli courts to judge perpetrators of any crime committed against Jews anywhere in the world. That principle had been used in the indictment of the former President of Chile, Augusto Pinochet. The Belgian Universal Jurisdiction Law had been used against Ariel Sharon. He could be sued for alleged war crimes after completing his term as Prime Minister of Israel. The European Court of Human Rights and the Office of the United Nations High Commissioner for Refugees could also be resorted to.

45. Pointing to the role they had played in the anti-apartheid movement in South Africa, he concluded that the role of non-governmental organizations as political advocates should be taken seriously.

46. **Michael Sfard**, lawyer and representative of Ha'Moked, Centre for the Defence of the Individual, Tel Aviv, outlined the legal challenges to the construction of the separation wall presented in the Israeli justice system by Palestinian and Israeli non-governmental organizations and citizens. He also examined the influence the recent ICJ decision was likely to have on wall-related cases before Israeli courts. He made it clear, however, that there were limits to the power of lawyers and courts; campaigns needed to be fought on different levels, with civil society participation.

47. He said that initial legal challenges to seizure orders had been made in the context of the land planning and construction law. They did not raise the question of the administration's power to seize land for the purpose of erecting the wall. None of those appeals had been successful. Only in mid-2003 had Israeli human rights non-governmental organizations begun to appreciate the far-reaching threats the wall project posed to all aspects of Palestinians' lives. At the end of 2003, a new wave of petitions to the Israeli High Court of Justice challenged the legality of the wall's construction. Those petitions were of a general nature, and contained arguments against the project as a whole specific segment petitions filed by Palestinian residents of villages affected by the wall and petitions that dealt with the operation of the gates along the wall.

48. The only all-encompassing petition challenging the legality of the wall was the one filed by Ha'Moked. It argued that the colossal construction project violated the principles of international law and was categorically prohibited by the laws of belligerent occupation,

insofar as its route ran inside the occupied territory and materially modified the fabric of civilian life. A hearing on the Ha'Moked petition was held a few days before the hearing at The Hague, but no decision was rendered. In the meanwhile, the Israeli High Court had given its decision on one of the specific segment petitions, finding, for the first time, a section of the intended wall to be illegal. The Beit-Surik case, though dismissing the lack of authority argument, limited considerably the degree of freedom of military and governmental administrations in choosing the barrier's route. As a consequence, about 20 segment cases were now under examination by the Court in accordance with the principles laid down in the Beit-Surik decision.

49. Regarding the ICJ ruling, he said that the ICJ had accepted the argument that the construction of the wall along the route that invaded the occupied territories amounted to a de facto annexation. The Court had also made it clear that the intention to include many illegal Jewish settlements on the west side of the barrier could not be considered a legitimate military necessity argument. It also ruled that the construction of the wall violated inherent rights of the civilian population, thus breaking international law.

50. He noted that the Israeli Attorney-General had submitted a harsh report to Prime Minister Sharon, explaining the dangers Israel would face if it chose to completely ignore the ICJ opinion. The Attorney-General recommended changing Israeli law by incorporating the Geneva Conventions as they applied to the Occupied Territories. On 19 August, the High Court of Justice had directed the Ministry of Justice to submit within 30 days a written brief presenting the State of Israel's formal position with regard to the implications of the ICJ decision on the question of authority.

51. **Iain Scobbie**, Professor of International Law, School of Oriental and African Studies, London, focused on the role and responsibilities of third parties with regard to the Advisory Opinion of the ICJ. He said that the opinion relocated the peace process within a legal framework. For some time, politics had been emphasized over the role of legal requirements. The Court had been told, for instance, to decline giving an opinion, as it could interfere with the peace process. That argument implied that law had no place in the peace process. That view had been decisively rejected by the Court. It had said expressly that law was essential to the question and had identified the legal obligation for all States to remove any impediment to the Palestinian right to self-determination.

52. He said that there were three fundamental statements in the opinion, which were accepted unanimously by the Court, even by the dissenting judge: international humanitarian law, including the Fourth Geneva Convention, as well as international human rights law, were applicable in the territories; the Palestinian people had a right to self-determination that must be protected; and the Israeli settlements were unlawful as they breached the Geneva Convention.

53. He went on to say that the Court had given general principles for the consequences for third States: all States were obliged not to recognize the situation resulting from the erection of the wall. States parties to the Geneva Convention, nearly all States, were under a duty to ensure that Israel complied with its obligations under that Convention. The question was then how could third States comply with their duties under the Opinion. That depended on conditions of practicality and political situation. The International Law Commission had said

that where a State was not directly affected by a violation of another State, that State was limited to lawful measures. Countermeasures, where a State breached international law in reaction to a breach of international law by another State, were not authorized. The limitation applied only to States acting individually. When acting collectively, for instance, through the United Nations, such actions could be authorized.

54. Lawful measures of individual States could take two forms. States could take unfriendly but lawful action, such as the termination of diplomatic relations and initiating sports or cultural boycotts. Another measure States could take was to play the game strictly by the rules, rather than give Israel some slack. Third States had a duty not to recognize and not give legal privileges to settlements within the occupied territories. States could do that, for instance, in relation to preferential trade agreements with Israel. Those agreements usually use the mechanism of cutting down import taxes. To decide which goods would be covered by such an agreement, the area in which they were produced could be identified. Third States could become liable if those States assisted in the construction of either the wall or a settlement, for instance, by granting loans or loan guarantees to Israel for the creation of the wall or settlement. Participation of State companies in such construction was also unlawful.

55. **Victor de Currea-Lugo**, expert in international law, of Lund, Sweden, spoke about the obligations of Governments under international law. He said that, while the Palestinian side had celebrated the Advisory Opinion, the Israeli Government had quickly refused to apply its recommendations. The ICJ, however, had gone beyond the discussion of the wall: it had ratified the applicability of the Geneva Conventions and human rights law in the Palestinian territory; cautioned against attempts to annex Jerusalem; underlined the Palestinians' right of access to holy places; quoted the right to self-determination of the Palestinian people; and reaffirmed the illegality of the Israeli settlements. It made absolutely clear the duties of the Members of the United Nations to stop that illegality.

56. He said that legal and political advocacy on the question of Palestine had to aim at connecting the legal world with the reality on the ground. It had to focus on the political sector and the media, in particular, in the United States and the European Union, to show them that the Advisory Opinion was not just "an opinion", but a legal statement by the highest tribunal of the United Nations. It was necessary to denounce the current situation and contradict the lies about the conflict. As for the international non-governmental organizations, they should not focus solely on delivering food. The donors should convert their humanitarian food policy into a real debate about the occupation. The advocacy agenda had to be defined with and for the victims, not for the donors.

57. One clear possibility was to demand the implementation of the Advisory Opinion. It was clear that Members of the United Nations had the legal foundation to declare an international boycott campaign against Israel, but the problem was that there were two different ways of applying international law. One level was applied to non-powerful countries and the other to the powerful ones, as in the cases of Guantánamo, Afghanistan and Iraq. An effective advocacy campaign had to include the recovery of the international order in accordance with the Charter of the United Nations, and acceptance of international law. The advocacy problem was that the Palestinians asked for justice and received papers in response; they asked for freedom and got rice; the Palestinians asked for a voice of support,

and there was silence. He stressed that justice, freedom and support should be the advocacy agenda. With the Advisory Opinion and international law, on one hand, and the reality, on the other, the international community had to make an important choice between its presumed principles and the risk of ignoring or abandoning the Palestinian people again.

Plenary III

The role of civil society: From alleviating human suffering to advocating the end of occupation

58. The panelists in this plenary session focused their presentations on the theme of mobilizing public opinion in support of the Palestinian people: efforts by NGOs, religious groups and inter-religious initiatives; working with the media; the impact and educational responsibility of academic institutions and think tanks; mobilization for international protection of the Palestinian population: international grassroots movement; and sustaining international campaigns to end the occupation.

59. **Adam Keller**, Spokesperson, Gush Shalom, Tel Aviv, focused on mobilizing public opinion in support of the Palestinian people. His organization's aim was to tell the Israeli people that peace with the Palestinians was necessary, possible and in the best interest of both people. A big part of Israeli society was open to that argument. Many, however, said that the interests of Israelis and Palestinians were incompatible. Those two groups were in constant competition for the favor of public opinion.

60. His own organization, and the wider Israeli peace movement, had had a setback in 2000 after Prime Minister Barak came back from Camp David without an agreement. He accused the Palestinians of being intransigent and unwilling to make peace. Soon afterwards, Israeli public opinion moved to the right, and Ariel Sharon was elected Prime Minister. What had helped the peace movement, ironically, was the fact that Mr. Sharon had used the "war option" to the maximum extent. After three years, Israeli public opinion started to realize that it did not work, and last year the peace camp had started again to dictate the agenda of public opinion, especially through the Geneva peace initiative and the letter of pilots stating they would refuse to participate in actions against Palestinians. That was why Mr. Sharon had come up with the Gaza disengagement plan. However, it was intended that, if executed, the disengagement plan, would exercise greater control over the West Bank. The challenge now was to keep an independent position and to say that withdrawal from Gaza as a first step was good, but as the final step would not solve anything. The fact that Mr. Sharon was creating turmoil in the right wing was a bonus.

61. He said that the separation wall was one of the main issues for the involvement of the peace movement, describing actions of several groups against the barrier construction, such as demonstrations and trying to stop the bulldozers. The movement also tried twinning Palestinian villages threatened by the wall with Israeli towns and villages in order to organize protests. The Council for Peace and Security, consisting of ex-army officers, used their prestige in opposing construction of the wall. In the militaristic society of Israel, the word of former generals and colonels carried a lot of weight. As a result of those and other actions, the wall had been moved closer to the "Green Line". That was not a complete victory, but every kilometer that the wall was moved back meant that hundreds of villages would keep

their fields. The struggle of the *refuseniks*, young Israelis refusing to serve in the army in occupied territories and willing to go to prison instead, was another important movement.

62. **Raymond Deane,** Chairman of the Ireland/Palestine Solidarity Committee, Dublin, said that for a long time the Irish liberation struggle had been seen as an inspirational example by occupied countries fighting for independence. Ireland's tortured history, together with the global dispersal of Irish people, poverty and famine, had given the Irish a strong, if diffuse, sympathy for the underdog. The Ireland/Palestine Solidarity Campaign (IPSC) sought to raise Irish awareness of the plight of the Palestinian people, promote Government involvement in finding a just solution to the conflict, promote Palestinian culture in Ireland and encourage informed reporting on the Middle East conflict and the Israeli occupation. Among its activities were the organization of public lectures and media appearances by visiting speakers from the Occupied Palestinian Territory and Israel, lobbying the Government and individual politicians, presenting cultural events with a Palestinian theme, and organizing boycott actions, protests and demonstrations.

63. The suspension of the Euro-Mediterranean Association Agreement between the European Union and Israel was a central goal shared by the Campaign and its colleagues within the European Coordinating Committee for NGOs on the Question of Palestine (ECCP). The European Parliament had voted to suspend that Agreement, which granted Israel preferential trading terms with the European Union, in April 2002, in the wake of Israel's savage assault on the Palestinian refugee camps, in particular in Jenin. That vote had been disregarded. Two years later, in April 2004, after Israel's assassination of Hamas spiritual leader Sheikh Yassin, the Parliament determined that "if Israel continued its targeted assassination policy, the Council of Ministers and the European delegations should act to suspend the Association Agreement". Just over two weeks later, Yassin's successor was killed in an Israeli air strike. The Agreement was not suspended.

64. He said that in May 2004, during the Irish presidency of the European Union, the Euro-Mediterranean process was discussed by Union foreign ministers in Dublin. That month, representatives of ECCP and IPSC had met with the Secretary-General of the Irish Department of Foreign Affairs to press their demand for suspension or, at least, the threat of suspension, of the Agreement. Mr. Gallagher informed those representatives that the suspension of the Agreement was inconceivable because it would "remove any possible influence we might have on Israel".

65. He went on to say that recently the Palestine Liberation Organization (PLO) had shown itself capable of emulating the Israelis by hiring young, articulate and personable spokespersons. It was time the Palestinians appropriated another Israeli stratagem, the appeal, endlessly reiterated, to Europe's conscience. Clearly, Germany was the country most justly stigmatized for its anti-Semitic past, and hence, less qualified to hold Israel to account. To varying degrees, he believed that challenge applied to the whole of Europe. European politicians must be reminded forcibly that the Palestinians were victims of Europe's victims. Europe, having historically scapegoated the Jewish people for the ills of European society, could not now redeem itself by scapegoating Palestinians.

66. He stressed that the weapon was trade; as long as the European Union continued to treat the "human rights clause" of its Association Agreement with Israel as a dead letter and failed

to suspend the Agreement in response to Israel's crimes, the Union would be open to the accusation that it was sacrificing the Palestinian people on the altars of Mammon and bad faith. The opinion of the International Court of Justice on the illegality of the wall and the subsequent General Assembly resolution made this the most opportune moment for such action.

67. **Corinne Whitlatch**, Executive Director, Churches for Middle East Peace (CMEP), Washington, D.C., said that her organization was a coalition of American churches that included Protestants, Catholic and Orthodox institutions. Its mandate was to be the ecumenical advocacy voice of the member churches in Washington, seeking constructive changes in United States policy and practices. CMEP board members engaged in direct lobbying, and CMEP also provided guidance to congregations and individuals on how to lobby their own members of Congress and the Administration. Most of the national church bodies adopted policy statements on Middle East peace and other issues at national assemblies. Those policy statements were important educational tools for shaping opinion among church members. Local church activation clearly had an impact on public opinion in the larger community.

68. She said that mobilizing public opinion in support of Palestinian human and political rights was still a highly charged and controversial action. Calls for the United States to pressure Israel to change policies and practices were interpreted by some as being anti-Semitic. Most churches were committed to maintaining warm relations with Jewish religious institutions and people. CMEP guidance encouraged congregations to become and stay engaged in advocacy and activism that was moderate in language and reflected the churches' hopes that both Israelis and Palestinians might have viable and thriving States living side by side within secure and recognized borders.

69. Along with many other non-governmental organizations, CMEP had focused on the separation barrier. The low level of the participants' knowledge of the history and geography was discouraging. Most were unfamiliar with the term "occupied territories". Even more discouraging were their opinions about settlements, which were seen as good. Participants were also concerned about the terrorist attacks of 9/11, the Iraq war and the security of America. However, they did not link Israeli-Palestinian peace with improving the security of America. It had been recommended that the coalition incorporate the larger impact of peace in the Middle East on the lives of ordinary Americans in its message.

70. She concluded that non-governmental organizations around the world recognized that United States policy had been not only deficient, but at times had actually thwarted the application of international law. Only the Americans could lobby their Government to change United States policy, and could volunteer for political campaigns and contribute to candidates. The opportunity that Americans exclusively held was also a responsibility.

71. **Max Ozinsky**, Chairperson of Not in My Name (NIMN), South Africa, said the non-governmental organization he represented was an organization of South Africans of Jewish origin calling for the withdrawal of Israel from the occupied territories and the creation of a sovereign, independent Palestinian State alongside Israel. While the Government of Israel and various Jewish organizations claimed that their actions were carried out in the name of all Jews, Mr. Ozinsky and Minister Ronnie Kastrils in 2001 had called on South Africans of

Jewish origin to sign the statement to express their opposition to the oppression of the Palestinian people. Circulated at the end of 2001, that statement was soon signed by more than 300 Jewish South Africans, including most Jews who had been active in the struggle against apartheid. That statement had unleashed a storm within the South African Jewish community. They were labeled as anti-Semitic, as self-hating Jews and as traitors. Out of that debate, Not in My Name was born.

72. For some time, the organization had focused on the issue of war resistors in Israel. Like conscripts in apartheid South Africa, young men and women in Israel were forced to carry out acts of oppression against another people. Taking the step of resisting conscription or refusing to serve in the occupied territories meant leaving the country and the family, or going to jail for a long time. It also meant being considered a traitor by your own people. Those brave men and women needed all the support they could get. His group's actions served to break down the impression that all Jews uncritically supported the Israeli State in its occupation of Palestinian land and showed that the struggle of the Palestinian people was not a religious struggle against the Jews, but rather the struggle of a colonized people for the return of their land and the right to self-determination. While NIMN was initially rejected by the Jewish communal organizations, in the last year those organizations had been more prepared to engage with its views.

73. He said that NIMN saw itself as part of the broad movement of solidarity with the Palestinian people, which needed to root itself amongst all sections and groups in South Africa. The movement must be non-sectarian in both the religious and the political sense. The issue of Palestinian solidarity must not be seen simply as a Moslem issue. One of the areas of concern was the growth of "Christian Zionism", in particular among Pentecostal Christians outside of the mainstream Christian denominations. That was a worldwide phenomenon, which had originated in the United States and was linked to the growth of neo-conservatism but had also spread to South Africa. It was also necessary to guard against political sectarianism in the solidarity movement. Such national mass organizations in South Africa as the country's trade unions, the Council of Churches and the NGO coalition needed to play a leading role in the Palestinian solidarity movement.

74. **Dennis Brutus**, Professor (emeritus), African Studies, University of Pittsburgh, focused on the role of civil society by drawing parallels between the struggle for Palestinian rights and the anti-apartheid struggle in South Africa. He said that the experience of confronting the apartheid regime, which had led to the ending of that system, could be useful as a model for activism in the current conflict. Activism must extend over a broad range of issues and be undertaken on an international scale. Global awareness and global activism must be created.

75. The apartheid regime was a system controlled by the white minority with the exclusion of the non-white majority from political power. The campaign against apartheid had been waged both internally and externally. External activities included political action, including activities by the United Nations, church organizations, labor organizations and humanitarian/philanthropic organizations. A major element of the campaigns was the focus on the predicament of political prisoners. One of the most effective activities had been the focus on economic boycott activities. The divestment campaigns had contributed significantly to weakening the apartheid regime to the point where negotiations were begun

with the liberation movement. He stressed that all those activities had been conducted in conjunction with, or consultation with the liberation movement.

76. He said that in the Palestinian/Israeli context, the focus of the struggle was currently on the wall. Current activism in civil society should focus on a just solution and ending the occupation. In the process, one should focus on the persistent violation by the Israeli Government of resolutions adopted by the United Nations. The central issue in building a campaign against the occupation was the issue of political prisoners. The idea of conducting a campaign for economic isolation of the Israeli Government had already been brought up, but should include other forms of pressure, such as academic, cultural and sports boycotts.

77. He said that the various campaigns against the apartheid regime had contributed to creating a climate of international awareness of the nature of the racist and oppressive system of apartheid and had led to general outrage and a demand for its international isolation. Something similar should happen in case of the Palestinian struggle. There was a need for a global conference in support of the Palestinian people. Out of such a conference must come a call for global action, a broad-based and many-faceted attack on a system that was inhuman, racist and biased; a campaign as effective as the campaign against apartheid. The message of the Secretary-General had not included recognition of the dominant role of the United States in supporting Israel. If the United States could indeed obstruct serious discussion on the issue of Israel, it might be necessary to create an alternative forum where that issue could be discussed.

78. **Marcia Freedman**, President of Brit Tzedek v'Shalom (Jewish Alliance for Justice and Peace), said that the mission of her organization was to work for a just negotiated solution to the Israeli-Palestinian conflict. The organization of American Jews was only two years old, but it was already 18,000 strong, with 30 local chapters around the United States. Without substantial commitment on the part of the United States to act as an honest broker within an international framework to secure peace for Israelis and Palestinians, there could be no progress towards the resolution of the conflict. To even-handedly exercise its power to bring the parties to the negotiating table, and keep them there, any United States Government, no matter who was President, would need the support of the American Jewish community.

79. She said that the support of her organization's support for Palestinian statehood and self-determination was understood in terms of Israel's well-being and the commitment to justice and peace. So, too, was the opposition to the occupation, to the wall being constructed within occupied territory, and Brit Tzedek's call to bring the settlers home to Israel. Brit Tzedek had been established on the basis of founding principles that included the evacuation of settlements; a complete end to the occupation in Gaza, the West Bank and East Jerusalem; the establishment of a viable Palestinian State alongside Israel, based on the pre-1967 borders, with whatever adjustments both sides agree to; the recognition of Jerusalem as the capital of both States, and a just resolution of the refugee issue that was agreed upon by both parties.

80. She said that the organization urged the end of the occupation because it believed that occupation ultimately brutalized Israeli society. Also, Israel could not afford the $1.5 billion yearly cost of expanding and protecting the settlements. Brit Tzedek supported those in the Israeli Army and Air Force who refused to serve in an occupation army. The Jews of the

Diaspora had also been negatively affected by the occupation, the settlements and the military practices necessary to sustain them.

81. She indicated that there was a clear correlation between the resurgence of anti-Semitism and the increasing isolation of Israel in the international community as a direct consequence of its policies. At the very least, increasing isolation of Israel and its identification with the American occupation of Iraq and the so-called war on terror were fuelling enmity against the Jewish State and Jewish people around the world.

82. She said that although it was a difficult task, the voice of dissent in the American Jewish community was ripe for organization. Poll data made clear that at least 50 % of American Jews supported a negotiated two-State solution, the evacuation of settlements and territorial compromise based roughly on the 1967 border. That voice had not yet been heard by the White House or Congress, and it was Brit Tzedek's work to amplify it sufficiently for it to be heard. There were encouraging signs of change in the American Jewish community, and the climate of silence and denial could be shifting toward more openness.

83. She said that the reform movement, representing 1.5 million people, had come out with a strong statement against the settlements, the route of the security barrier and home demolitions. The statement also criticized Congress for being insensitive to Palestinian humanitarian issues. At best, particularly if there was a change in the administration, it was important that there be a strong American Jewish voice critical of the expansionist goals of the current Israeli Government and committed to the security of Israel as a Jewish State.

IV. Closing statements

84. **Phyllis Bennis,** Co-Chair, International Coordinating Network for Palestine, Washington, D.C., presented the proposed plan of action to support Palestinian rights to be adopted by the Conference at the opening of the final segment.

85. She said that this year the drafters of the plan of action had tried hard to identify and narrow the scope of the network of civil society and non-governmental organizations represented at the Conference. The civil society representatives who gathered at the United Nations had a very specific reality that shaped their actions: they focused on international law, and the role of the United Nations, and attached great importance to the Advisory Opinion of the International Court of Justice. They did not represent the entire global movement for Palestinian rights and would not try to.
The draft action plan presented some ideas about the activities that civil society in various countries could support. While the document incorporated ideas presented during the deliberations, some initiatives had not been reflected in the text. For example, there was a petition to change the focus of attention from ending the occupation to ending Israeli colonization of occupied territories. However, as the Conference had come together under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, that petition should be directed to the Committee in preparations for next year's event.

86. **Paul Badji**, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, said that over the past two days there had been many well-argued and

thought-provoking presentations on the various aspects of the question of Palestine. Representatives of civil society, Member States and intergovernmental organizations alike shared an overriding and sincere desire to see a just and lasting solution to the question of Palestine. One lesson from the Conference was that representatives at the Conference, working together as a diverse yet cohesive group, could make a difference in bringing peace in the Middle East one step closer.

87. He said that the participants had spoken about the ever-worsening situation on the ground, the appalling human cost of violence and the mounting casualty toll, both for the Palestinians and the Israelis. The construction of the separation wall, the unrelenting settlement expansion and the severe economic recession in the Occupied Palestinian Territory had been discussed. A litany of gross violations of human rights had been heard, which had gone unpunished and had become as commonplace as to be almost unexceptional.

88. He said that against that bleak background, there had been rays of hope. The landmark Advisory Opinion of the International Court of Justice had provided civil society with a solid legal foundation from which to build campaigns to mobilize Governments and public opinion. He said that declarations of international legality were but an empty letter unless governmental and non-governmental actors alike fully discharged their responsibilities. He had learned with appreciation about the many initiatives that civil society had spearheaded in the past year, which were aimed at alleviating human suffering, mobilizing public opinion in support of the Palestinian people, and finding a peaceful solution to the decades-old conflict. Although not a substitute for the political process between Governments, civil society initiatives had been pushing the envelope of what had been hitherto thought impossible, proving skeptics and naysayers wrong. In times of prolonged conflict, it was important for voices of reason to be heard, voices which sometimes could be drowned out by the strident clamor of extremist rhetoric.

89. In concluding, the Chairman of the Committee expressed the hope that the plan of action would serve as a catalyst for new, broad-based campaigns of action by civil society, with the Conference Steering Committee continuing to play a vital coordinating role. He added that civil society becomes much more than the sum of its constituent organizations when sharing a coordinated common purpose and strategy.

ANNEX I

END ISRAEL'S OCCUPATION OF PALESTINE

Non-governmental Organizations/Civil Society Plan of Action

We meet today, non-governmental and civil society organizations, to reaffirm our commitment to ending the Israeli occupation of the Palestinian Territory, and to realizing the full national and human rights of the Palestinian people. Our work is based on human rights and international law including the Charter of the UN and UN resolutions, the Universal Declaration of Human Rights and the Geneva Conventions. We believe in the central role of the United Nations in upholding international law. We believe that these tools provide the only potential basis for achieving the end of occupation and a just, comprehensive and lasting peace.

We stand committed to mobilizing a broad people's movement, working together with Governments, parliaments, multinational organizations, religious organizations and especially the United Nations to end the Israeli occupation. Throughout 2004-2005 we will build internationally coordinated actions designed to escalate pressure to end the Israeli occupation and realize Palestinian rights.

To that end, we commit ourselves to the following actions:

IMPLEMENTATION OF THE ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE

We will work to educate people in all of our countries, and to pressure Israel and our own Governments to move towards strict enforcement of the Advisory Opinion of the International Court of Justice (ICJ) and the resolutions of the General Assembly that call for the self-determination of the Palestinian people, stopping and reversing Israeli settlements and dismantling the Wall.

INTERNATIONAL PROTECTION

We will work towards the realization of the international community's responsibility to provide serious protection for Palestinians forced to live under Israeli occupation, refugees and exiles, in particular the most vulnerable - children and women. We insist on the implementation of Security Council resolution 1325 (2000), mandating the full participation of women in all international peace and justice efforts regarding Palestinian rights. We will work to highlight the important role of those Israeli *refuseniks* facing imprisonment for their refusal to violate the Geneva Conventions. We will continue to demand full access of humanitarian and relief organizations to the entire population of the Occupied Palestinian Territory, as required by the Fourth Geneva Convention.

EMPOWERING THE UNITED NATIONS

We will pressure our Governments and mobilize our populations in support of a greater United Nations role in diplomacy regarding Palestine. That will include campaigns

demanding a role for the General Assembly and the Secretariat in diplomacy regarding Palestine, and supporting efforts by the Committee on the Exercise of the Inalienable Rights of the Palestinian People to organize fact-finding missions of United Nations diplomats to the Occupied Territory.

We recognize that these demands reflect the need to uphold international law. We as civil society will encourage divestment and targeted sanctions against the Occupying Power, and we will urge our Governments to impose restrictions including arms bans, the withdrawal of economic privileges, including bans against items produced by settlements, and travel restrictions against violators of the Geneva Conventions and other instruments of international law.

COORDINATED INTERNATIONAL ACTIONS TO SUPPORT PALESTINIAN RIGHTS THROUGH INTERNATIONAL LAW AND THE UNITED NATIONS

We have identified three important dates for global mobilization, advocacy and education campaigns to end the Israeli occupation. These dates reflect week-long periods of mobilization chosen by Palestinian NGOs to coordinate civil society actions throughout 2004-2005.

November 29, 2004– International Day of Solidarity with the Palestinian People

We will focus on the Wall and enforcing the ICJ Advisory Opinion. To enable this work, we will encourage civil society groups to utilize the expertise of lawyers and other experts in explaining the significance of the Court ruling.

April 17, 2005 – Palestinian Prisoners' Day

We will focus on international protection for Palestinians.

June 5, 2005 – Anniversary of the 1967 occupation

We will focus on the violations of the Geneva Conventions such as settlement expansion, the construction of the Wall, land seizures, house demolitions, arbitrary arrest and detention, refugee rights, imprisonment of children, targeted assassinations, closures and curfews among others.

We also urge international civil society and national and regional NGO coalitions to consider support for other actions in support of Palestinian rights. These may include:

(a) Tribunals to examine cases of violations of the Fourth Geneva Convention in the Occupied Palestinian Territory, including East Jerusalem;

(b) Convening an international civil society conference to take up broader issues I involved in defending Palestinian rights;

(c) Continuing campaigns providing direct support to Palestinians in the Occupied Territory including international solidarity delegations, to rebuild demolished houses, and replant olive trees.

ANNEX II

WORKSHOP REPORTS

Workshop I: How to work with the media

Rima Mutreja of the US grassroots organization Palestine Media Watch (www.pmwatch.org) made a PowerPoint presentation. In her historical introduction, Ms. Mutreja traced systematic Israeli "perception management" back to 1982, when Israel's invasion of Lebanon was accompanied by a massive campaign of media manipulation backed by the US. PMW was set up in 2000 in an attempt to promote accurate United States media coverage.

She analyzed a number of factors that explain why United States media fail to come to grips with the reality of the Israel/Palestine conflict, such as "over-reliance on official sources" (e.g. "the particularly prejudiced Associated Press"), "fear of controversy", and commitment to such sterile paradigms as "Israel's self-defense", and the famous "generous offer" of Ehud Barak. She outlined a number of ways concerned individuals could participate in the task of countering Israeli propaganda, primarily by writing letters and submitting op-ed pieces.

In the ensuing discussion, several speakers warmly praised PMW for its work. Nonetheless, the presentation was criticized for concentrating exclusively on the print media, which are of little importance to the average US citizen. The suggestion that newspapers should in effect be "bombarded" with letters was rejected by one journalist present, who said that orchestrated letter-writing campaigns got editors' backs up and were counter-productive. This contradiction remained unresolved in the course of further discussion. There was agreement, however, that editors were responsive to "the hassle factor", while resistant to accusations of bias.

The workshop chairman, Raymond Deane of the Ireland Palestine Solidarity Campaign, pointed out that while the media landscape in Europe was drastically different to that in the US, many of the problems mentioned by Rima Mutreja and workshop participants also arose within the European media. He described some typical cases of slanted journalism that featured in Ireland's widely respected "newspaper of record", The Irish Times, and warned against the perception that Europe was a kind of utopia of accurate reporting.

While no recommendations emerged from this workshop beyond the specific suggestions on how to deal with media bias, there was overall agreement that working with the media was a vital part of pro-Palestinian activism.

Workshop II: Interreligious mobilization

The workshop included about 35participants from Muslim, Jewish and Christian organizations. Participants discussed the unique role that religious organizations can have in resolving the conflict. Religious organizations have infrastructure on the ground, the trust of communities, the ability to work on changing hearts, the ability to exert moral authority, and "staying power", to name a few strengths. Clearly, religious communities face challenges as well—religion can be used to divide as well as to unite.

Participants outlined four areas of work: building partnerships, divestment, addressing Christian Zionism and conflict resolution. In the area of building partnerships, religious leaders shared strategies they used to build partnerships with communities that may not share the same views. They affirmed the need to build more connections with Jewish and Israeli communities, and they found the Tuesday panel helpful in this regard. They also discussed ways of reaching conservative evangelicals and confronting theological beliefs that confuse the issue. One church is preparing an educational video to reach evangelical communities and to challenge Christian Zionism in moderate Christian communities. Another organization shared its mapping project, which they used to outline a strategic approach in their community. Too often, they pointed out, work is done without this power analysis.

A clarification of the Presbyterian position on divestment was given, since much information circulated both by opponents and allies had been confused. The Presbyterian Church was examining how to use its power as stockholders to influence corporations involved in economic arrangements that exacerbate the conflict. Over the next year it will examine whether and how this strategy might be effective. The decision to look into divestment illustrates the frustration and agony that church leaders are experiencing as they watch conditions worsen for their partners in Palestine and Israel. Other churches are considering divestment, and are encouraged to do so only in collaboration with their Jewish and Christian allies and partners, and to be prepared to communicate this position to media around the world so that their intention of bringing peace to both sides of the conflict is clear. Religious communities also have strong resources for training leaders in conflict resolution and preventing conflict. The World Council of Churches Ecumenical Accompaniment Program in Palestine and Israel (eappi.org) is one such example.

Workshop III: Working with the Advisory Opinion of the International Court of Justice

The workshop was chaired by Victor de Currea-Lugo. Zaha Hassan and Jeff Handmaker served as resource persons. The workshop discussed a four-phase approach to the Advisory Opinion: education by the dissemination of information, implementation of the Advisory Opinion, general public information and ways of approaching the media.

The education phase would focus on the role and importance of the ICJ itself; the South Africa experience, focusing on the legal aspects; the framework, focusing on international human rights law and international humanitarian law, including United Nations General Assembly resolution ES- 10/15 (2004); and the Advisory Opinion, focusing on applicability of international law in the OPT, access to holy places, the illegality of the settlements, attempts to annex Jerusalem, and the right to self-determination.

An information dissemination strategy could include training of trainers and activities focused at universities (faculties of law), political institutions, NGOs, and labor unions. Information could be channeled through international conferences, international academic activities relating to the ICJ, which might include international law and the Advisory Opinion, photo exhibitions confronting the text of the Advisory Opinion versus the facts on the ground, and publications explaining the Advisory Opinion (in non-legal language).

Support of the implementation phase of the Advisory Opinion could include visits with politicians and other policymakers, promoting visits by political delegations to Palestine, the exchange of Parliamentarians, the development of a pro-Palestinian lobby, the demand that the European Union include the implementation of the Opinion in the debates on the Association Agreement, exploring possibilities within national legal systems based in article 1 of the Fourth Geneva Convention regarding the duty of all the States to ensure respect for the Geneva Conventions, and developing a tribunal of experts to examine on the basis of the Advisory Opinion, the current situation.

In the phase of getting the information to the general public, NGOs could organize activities with other NGOs to develop a consumer information campaign, promote a sports, cultural and economic boycott, and target private enterprises involved in the construction of the wall and the occupation. Information on NGO activities related to the various phase-oriented approaches could also be clearly communicated to and through the media.

Workshop IV: <u>International protection: What does it mean? Strategies to get there</u>

Workshop participants (Chris Doyle, Council for the Advancement of Arab- British Understanding, Rapporteur) agreed that the issue of providing protection for the Palestinians in the Occupied Territories was absolutely essential and urgent. It was important to highlight that Palestinian security was as important as Israeli security. It was also noted that there had been an international presence in the Occupied Territories in Hebron, but that it had largely failed because its mandate had not been strong enough.

An international protection force

The workshop had a wide discussion about the need for the international community to undertake its obligations under the Fourth Geneva Convention to provide protection to Palestinians living in the Occupied Territory. Given the scale of Israeli actions that was a pressing need.

There was broad agreement that there should be further lobbying of General Assembly members to insist that a protection force be established, and that that would benefit both sides, as a significant move towards peace. There were concerns, however that that would not occur as currently there were many United Nations Member States, the five permanent members of the Security Council which might oppose and veto such a proposal. It was important to emphasize that civil society should push for such a force as an alternative to the Israeli wall, not only to be in conformity with international law, but also to provide a buffer between the two sides. The establishment of such a protection force should only be seen as a

precursor to the eventual ending of the occupation of Palestinian territory and not as an end in itself. There was also a debate as to whether this force should be armed. Some argued that it needed to be armed to be effective, while others felt that that would not be necessary.

Civil society protection

The workshop then discussed how to build on and augment the role of organizations and activists currently sending volunteers to work with Palestinian NGOs and to act as witnesses of actions of the Israeli Army in the Occupied Territory.

The role of such volunteers was broadly to act as witnesses, deterrents, reporters and lobbyists to and provide moral support. A key role was also to visit the families of those detained in Israeli prisons and detention centers. There was also a call to try to get more volunteers from non-developed countries.

The workshop agreed that civil society must work ever harder to send more volunteers to Palestine. In carrying out such activities it was crucial to have a successful media strategy and, ideally, to have journalists present. There was discussion as to how to have larger delegations visit the Occupied Territory to create a media event. That could be organized to coincide with the 17 April action week, as outlined in the draft action plan, which would deal with international protection.

However there were two key concerns: that all volunteers should be fully aware that these activities must be to assist Palestinians and their activities be driven by an agenda defined by the Palestinian NGOs; and there should be an improved mechanism for ensuring that volunteers who have spent time in Palestine can have a more effective impact on their own countries when they return home. There was a feeling that this resource had not been used adequately until now to explain to the outside world what had been happening in Palestine.

Pressure on Israel

There was also strong feeling that there must be increased pressure upon Israel to abide by international law, including the acceptance of the deployment of such a force. Civil society could mobilize itself in a variety of ways such as the boycott of Israeli goods, including where possible, the boycott of products originating from settlements. Every group may not be able to participate in such a call. It was accepted that there was little chance of the imposition of Chapter VII sanctions at this stage - reverse travel restrictions on Israelis. It was pointed out that there should be a mechanism by which Israelis who did not support the occupation of Palestinian land could be excused.

Workshop V: <u>The question of Palestine within the global peace movement</u>

Hany Khalil (United for Peace & Justice Coalition, United States) made an opening statement. New conditions were creating opportunities to win support for the Palestinian freedom struggle in the global peace movement when historically Palestine solidarity ran through another band. New conditions promoted the linking of movements and bringing about an increased awareness of the Palestinian struggle. To strategize and take advantage of this new information opportunity involved concrete approaches.

Discussion of goals for work in the global peace movement ensued around certain key issues such as education, whereby there would be a global distribution of academic articles, such as that of Susan Akram and John Quigley on the ICJ Opinion. Access to speakers, particularly lawyers and others with legal expertise from institutions such as the Center for Constitutional Rights in New York or Al-Haq, should be facilitated.

The role of the United Nations and international law should shape the work within the global peace movement. A letter should be sent to the leadership of the [just-concluded] international peace conference in Beirut outlining the ideas and goals of the workshop and the Conference.

The Secretary-General of the United Nations should be urged to visit the occupied territories personally; it is not sufficient to receive reports from his special envoy Terje Roed-Larsen.

The workshop should encourage NGOs (Palestinian, Israeli, and international) working inside Israel and Palestine to provide information on a regular basis to embassies and consulates in the region. Vigils outside United Nations offices should be considered as useful education opportunities in focusing on the wall and other Israeli violations such as the Geneva Conventions and the ICJ opinion.

NGOs should directly challenge all Israeli violations of conventions and United Nations resolutions, including the Universal Covenant on human rights, the Convention against torture, the Convention on the rights of women, and the Convention on the Rights of the Child. The international peace movement should be urged to issue a global call to pressure Governments to empower the General Assembly over the Security Council, including by urging United Nations delegations to use the "uniting for peace" precedent at the United Nations to move Council issues (peace and security) to the Assembly agenda.

A global education campaign to distinguish between the General Assembly and the Security Council (where United States veto undermines its independence) should be undertaken by civil society. New campaigns should be urged to pressure the Assembly to move quickly to enforce the ICJ opinion, including raising the possibility of sanctions against Israel and should include a campaign for the Assembly to find Israel in violation of the ICJ Opinion and the Assembly itself. Civil society work on the campaign against Caterpillar sales to Israel in the United States should be broadened to become a global campaign.

ANNEX III

List of participants

Steering Committee

Ms. Bahia Amra	Fellow, Health, Development, Information and Policy Institute, Ramallah
Mr. Gabi Baramki	President, Palestinian Council for Justice and Peace, Ramallah
Ms. Phyllis Bennis	Fellow, Institute for Policy Studies, Washington, D.C.
Ms. Kathy Bergen	Board Member, American Friends Service Committee, Philadelphia, Pennsylvania
Ms. Jennifer Butler	Representative of NGO Working Group on Israel/Palestine
Mr. Victor De-Currea Lugo	Medical doctor, expert in international law, Lund, Sweden
Mr. Raymond Deane	Chairman, Ireland/Palestine Solidarity Committee, Dublin
Mr. Chris Doyle	Director, Council for the Advancement of Arab-British Understanding, London
Ms. Nadia Hijab	Executive Director, The Palestine Center, Washington, D.C.
Mr. Adam Keller	Spokesperson, Gush Shalom, Tel Aviv
Mr. Max Ozinsky	Chairperson, Not In My Name, Cape Town

Speakers and Resource Persons

Ms. Susan Akram	Clinical Associate Professor, Boston University School of Law, Boston
Mr. Gabi Baramki	President, Palestinian Council for Justice and Peace, Ramallah
Ms. Phyllis Bennis	Fellow, Institute for Policy Studies, Washington, D.C.
Mr. Praful Bidwai	Journalist, New Delhi
Mr. Dennis Brutus	Professor (em.), African Studies, University of Pittsburgh, Pittsburgh

Ms. Jennifer Butler	UN Representative, Presbyterian Peacemaking Program, New York
Mr. Victor De-Currea Lugo	Medical doctor, expert in international law, Lund, Sweden
Mr. Raymond Deane	Chairman, Ireland/Palestine Solidarity Committee, Dublin
Mr. Chris Doyle	Director, Council for the Advancement of Arab-British Understanding, London
Ms. Marcia Freedman	Former Member of the Knesset, President, Brit Tzedek V'shalom (Jewish Alliance for Justice and Peace), San Francisco
Ms. Rachel Greenspahn	Director for Development and International Outreach, B'Tselem, Jerusalem
Mr. Jeff Handmaker	Researcher at the Netherlands Institute of Human Rights University of Utrecht, Utrecht, the Netherlands
Ms. Zaha Hassan	Co-Chairperson, U.S. Campaign to End the Israeli Occupation, Washington, D.C.
Mr. Jad Isaac	Director General, Applied Research Institute, Jerusalem
Ms. Adah Kay	Professor at City University, Co-Author, *Stolen Youth: Israel's Detention of Palestinian Children*, London
Mr. Adam Keller	Spokesperson, Gush Shalom, Tel Aviv
Mr. Hany Khalil	Chairman, Palestine Working Group United for Peace and Justice, New York
Ms. Rima Mutreja	Chairman, Palestine Media Watch, Philadelphia
Mr. Max Ozinsky	Chairperson, Not In My Name, Cape Town
Mr. Iain Scobbie	Professor of International Law School of Oriental and African Studies, London
Mr. Michael Sfard	Lawyer, Representative of HaMoked Centre for the Defence of the Individual, Tel Aviv
Ms. Corinne Whitlatch	Executive Director, Churches for Middle East Peace, Washington, D.C.

Delegation of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

H.E. Mr. Paul Badji	Permanent Representative of Senegal to the United Nations, Chairman of the Committee and Head of Delegation
H.E. Mr. Orlando Requeijo Gual	Permanent Representative of Cuba to the United Nations, Vice-Chairman of the Committee
H.E. Mr. Ravan A.G. Fârhadi	Permanent Representative of Afghanistan to the United Nations, Vice-Chairman of the Committee
H.E. Mr. Victor Camilleri	Permanent Representative of Malta to the United Nations, Rapporteur of the Committee
H.E. Mr. M. Nasser Al-Kidwa	Permanent Observer of Palestine to the United Nations

Representative of the Secretary-General of the United Nations

Mr. Kieran Prendergast
Under-Secretary-General for Political Affairs

Governments

Argentina, Bahrain, Brazil, China, Cyprus, Democratic People's Republic of Korea, Ecuador, Guatemala, Islamic Republic of Iran, Ireland, Jamaica, Lebanon, Lesotho, Liechtenstein, Malaysia, Mongolia, Namibia, Nauru, Portugal, Qatar, Russian Federation, Senegal, Singapore, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, Uruguay, Viet Nam

Entities having received a standing invitation to participate as observers in the sessions and the work of the General Assembly and maintaining permanent observer missions at Headquarters

Palestine

Intergovernmental organizations

African Union, League of Arab States, Organization of the Islamic Conference

United Nations organs, agencies and bodies

Food and Agriculture Organization of the United Nations (FAO)
International Labor Organization (ILO)
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Office of the United Nations High Commissioner for Refugees (UNHCR)

United Nations Development Programme (UNDP)
United Nations Economic and Social Commission for Western Asia (ESCWA)
United Nations Industrial Development Organization (UNIDO)
United Nations Population Fund (UNFPA)
United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)

Civil society organizations

Afro-Asian Peoples Solidarity Organization
Asian Committee of Solidarity with Arabs
Al-Haq
Alternative Information Center
American Arab Anti-Discrimination Discrimination Committee, NJ
American Association of Jurists
American Friends of the Episcopal Diocese of Jerusalem
American Friends Service Committee
Applied Research Institute
Baptist World Alliance
Boston Coalition for Palestinian Rights
B'Tselem-Israel Information Center for Human Rights in the Occupied Territories
Caritas Internationalis
Church of Humanism
Coalition of Women for Peace
Congregations of St. Joseph
Congregation of the Mission
Council for the Advancement of Arab-British Understanding
Darbar-E Chishtia Complex
Defence for Children International
Dominican Leadership Conference
End the Occupation/Michigan Peace Team
Evangelicals for Middle East Understanding
Fellowship of Reconciliation
Friends of Sabeel-North America
Friendship with Palestinian Christians
General Board of Global Ministries, United Methodist Church
Global Exchange
Gush Shalom
Health, Development, Information Policy
International Committee
International Committee for Arab-Israeli Reconciliation
International Council of Women
International Human Rights Education Group
International Union of Anthropological and Ethnological Sciences
Ireland Palestine Solidarity Campaign
Israeli Committee against Home Demolitions
Jewish Alliance for Justice and Peace
Jewish Voice for Peace
Kinder USA

Lutheran World Federation
Mennonite Central Committee
Mercy International Organization
Methodist Federation for Social Action
Middle East Fellowship of Southern California
Middle East Initiative
National Lawyers Guild
National Training Center for Resource Center Directors
Netherlands Institute of Human Rights
Neturei Karta International
New Jersey Solidarity
Norwegian People's Aid
Not in My Name
Olean Area Coalition for Peace and Justice
Palestine Aid Society – LA Chapter
Palestine Children's Relief Fund
Palestine Education Committee
Palestine-Israel Action Group of the Ann Arbor Friends Meeting
Palestine Media Watch
Palestine Right to Return Coalition
Palestinian American Congress
Palestinian Council for Justice and Peace
Peace Learning Center
Playgrounds for Palestine
Portuguese Campaign "No to Sharon's Wall!"
Presbyterian Church (USA)
Princeton Middle East Society
Promoting Enduring Peace
Quaker United Nations Office
The Rebuilding Alliance
School of Oriental and African Studies, University of London
Stop the Bezetting Nederland (Stop the Wall, the Netherlands)
United Church of Christ Wider Church Ministries
United for Peace and Justice
United Methodist Church
United Nations Association of the National Capitol Area
US Campaign to End the Occupation
US Campaign to End the Israeli Occupation
US Peace Council
Veterans for Peace
Visions of Peace with Justice in Israel/Palestine
WESPAC Foundation
Women of a Certain Age
Women in Black – Los Angeles
Women's International League for Peace and Freedom
World Federation of Labor